

CITY OF MUSKEGON

CITY COMMISSION MEETING

DECEMBER 8, 2009

CITY COMMISSION CHAMBERS @ 5:30 P.M.

MINUTES

The Regular Commission Meeting of the City of Muskegon was held at City Hall, 933 Terrace Street, Muskegon, Michigan at 5:30 p.m., Tuesday, December 8, 2009.

Mayor Warmington opened the meeting with a prayer from Pastor Jeffery Hough from the Angel Community Church after which the Commission and public recited the Pledge of Allegiance to the Flag.

ROLL CALL FOR THE REGULAR COMMISSION MEETING:

Present: Mayor Stephen Warmington, Vice Mayor Stephen Gawron, Commissioners Chris Carter, Clara Shepherd, Lawrence Spataro, Sue Wierengo, and Steve Wisneski, City Manager Bryon Mazade, City Attorney John Schrier, and City Clerk Ann Marie Becker.

2009-99 CONSENT AGENDA:

A. Approval of Minutes. CITY CLERK

SUMMARY OF REQUEST: To approve the minutes of the Regular Commission Meeting that was held on Tuesday, November 24, 2009.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the minutes.

B. SECOND READING: Amendment to the Zoning Ordinance – Modify “Exempt Signs”. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Section 2334, #5 (f) (Signs) of Article XXIII to modify “Exempt Signs”.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to modify the “Exempt Sign” language.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 12th meeting. The vote was unanimous with B. Smith absent.

C. SECOND READING: Amendment to the Zoning Ordinance – Article II, Definitions. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Staff initiated request to amend Article II, Definitions, to modify the definition for “mezzanine”.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends amendment of the Zoning Ordinance to modify the definition for “mezzanine”.

COMMITTEE RECOMMENDATION: The Planning Commission recommended approval of the request at their November 12th meeting. The vote was unanimous with B. Smith absent.

D. Amendment to the Code of Ordinances – Chapter 6 Animals. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to amend Chapter 6 (Animals) of the City’s Code of Ordinances to reflect the changes to cat trapping and licensing due to the elimination of the cat program from the 2010 budget and to make necessary grammatical corrections.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the changes to Chapter 6 Animals of the City’s Code of Ordinances and to have the Mayor and the Clerk sign the ordinance.

E. Service Agreement with Professional Med Team Inc. PUBLIC SAFETY

SUMMARY OF REQUEST: The Director of Public Safety is requesting approval to enter into a service agreement (calendar year 2010) with Professional Med Team (Pro-Med) to provide a paramedic for the purpose of performing a blood draw, when needed, of suspected intoxicated drivers. The paramedic will be dispatched directly to the jail to perform the draw. This service will be utilized by all law enforcement agencies within Muskegon County.

FINANCIAL IMPACT: The cost to the department will be \$75 per blood draw.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Approval of the agreement.

F. Surfacing for Seyferth Park Skate Ramp. PUBLIC WORKS

SUMMARY OF REQUEST: Authorize the purchase of Skate Lite Pro sheets surfacing for skate ramps at Seyferth Park and to award the bid to Ramptech at a cost of \$8,874.

FINANCIAL IMPACT: None, a grant was received from Thomas and Geraldine

Seyferth Advise Fund Community Foundation of Muskegon County, which will cover the cost to purchase.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the purchase from Ramptech.

G. Comprehensive Economic Development Strategy (CEDS) Project Submittals. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: To approve this years projects for inclusion in the Comprehensive Economic Development Strategy (CEDS), and to sign the resolution.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To approve the projects and to sign the resolution.

H. Liquor License Request from the L. C. Walker Arena, 470 W. Western. CITY CLERK

SUMMARY OF REQUEST: The Liquor Control Commission is seeking local recommendation on a request from JS Hockey Enterprises, Inc. and City of Muskegon to transfer stock in the 2009 Class C licensed business with Dance-Entertainment Permit through issuance of 4000 shares of stock to each new stockholder, Alice M. Wilson and Randy A. Fedo; 500 shares to existing stockholders, Jeffrey A. Patulski and Stacey M. Patulski and 1000 shares to existing stockholder, Timothy M. Taylor.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: All departments are recommending approval.

I. Final Amendments to 2009 Budget. FINANCE

SUMMARY OF REQUEST: Provided under separate cover are proposed year-end amendments to the City's 2009 Budget to assure compliance with the State *Uniform Budget Act*. The state requires that final budget amendments (as reported in the annual CAFR) be formally adopted by the governing body prior to the end of the fiscal year (December 31). As there will only be one meeting in December, it is necessary to approve final 2009 budget amendments at this time.

FINANCIAL IMPACT: These budget amendments establish the final 2009 revenue estimates and authorized spending for the various City departments and funds. *It is believed that this amended budget is conservative (to comply Uniform Budget Act) and hoped that actual results will be better than indicated.*

BUDGET ACTION REQUIRED: Self-explanatory.

STAFF RECOMMENDATION: Approval

J. 2010 User Fee Update. FINANCE

SUMMARY OF REQUEST: City departments have reviewed and updated their user fees and these have been incorporated into the Master Fee Resolution for your consideration.

Changes scheduled for 2010 are relatively minor due to economic conditions. The new fees and fee changes that are being proposed are highlighted on the spreadsheet and include the following:

- Elimination of cat licensing fees (City no longer performing this function);
- Overhaul of the temporary/special event liquor license fees;
- Increase in fee for manual tax lien look-ups;
- Implementation of new fee for internet tax lien look-ups;
- Implementation of refundable deposit for park rentals (to encourage post-event cleanup);
- Implementation of new fee for beach weddings;

FINANCIAL IMPACT: Increased revenue for fee supported activities.

BUDGET ACTION REQUIRED: None at this time. Adoption of the Master Fee Resolution will help the City attain its budgeted revenue estimates.

STAFF RECOMMENDATION: Approval with recommendation from Worksession Meeting to increase the deposit fee for events, shelters, etc. to \$100 rather than the \$25 proposed.

Motion by Vice Mayor Gawron, second by Commissioner Spataro to accept the Consent Agenda as presented.

ROLL VOTE: Ayes: Gawron, Shepherd, Spataro, Warmington, Wierengo, Wisneski, and Carter

Nays: None

MOTION PASSES

2009-100 NEW BUSINESS:

A. Consideration of Bids for B-238 Smith Ryerson Park Improvements.
ENGINEERING

SUMMARY OF REQUEST: Contingent upon MDNR's approval, award a construction contract for the Smith Ryerson Improvements (B-223) to Muskegon Quality Builders out of Muskegon Heights since they were the lowest responsible bidder with a bid price (base bid & parking lot alternate A) of \$696,870.44.

FINANCIAL IMPACT: The construction cost of \$696,870.44 plus engineering which is estimated at an additional \$60,000.

BUDGET ACTION REQUIRED: Revise the 2010 budget to incorporate the additional cost since this project was budgeted for \$577,000. This additional amount will come from funds previously designated for improvements at McGraft and Sheldon Parks.

STAFF RECOMMENDATION: Award the construction project, base bid items and alternative A, to Muskegon Quality Builders.

Motion by Commissioner Spataro second by Vice Mayor Gawron to approve the bid for B-238 Smith Ryerson Park Improvements base bid and parking lot alternative A, to Muskegon Quality Builders contingent upon DNR approval.

ROLL VOTE: Ayes: Shepherd, Spataro, Warmington, Wierengo, Wisneski, Carter, and Gawron

Nays: None

MOTION PASSES

B. Maintenance Access Easement for a Portion of Lakeshore Trail.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: Request to grant a maintenance access easement to the Muskegon Rescue Mission for the portion of Lakeshore Trail that is adjacent to the Rescue Mission's men's facility. The property is located between Park and Seventh Streets. This easement would allow the Rescue Mission to utilize the zero lot line option in the Zoning Ordinance to construct their new facility. The zero lot line option allows the new principal buildings to be erected on either the rear or one side lot line, under certain conditions. One of these conditions requires the granting of a maintenance access easement from the adjacent property owner.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: Staff recommends approval of the maintenance access easement.

Motion by Commissioner Carter, second by Commissioner Wierengo to approve the maintenance access easement for a portion of Lakeshore Trail.

ROLL VOTE: Ayes: Spataro, Warmington, Wierengo, Wisneski, Carter, Gawron, and Shepherd

Nays: None

MOTION PASSES

C. House Move Request – 1035 Pine Street.

PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The owner of 1035 Pine St., Clement Coulombe, has plans to move the house to the vacant lot he owns at 517 W. Webster Ave. He is

requesting that the City lower its estimated charge of \$9,000 - \$10,000 for assistance in the move.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: To deny the request of lowering the estimated charges.

Motion by Commissioner Spataro, second by Commissioner Shepherd to reduce the hourly cost of the City expenses for the house move request for 1035 Pine Street by 15%.

ROLL VOTE: Ayes: Warmington, Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

MOTION PASSES

D. Disclosure of Conflict of Interest – Marine Tap Room. PLANNING & ECONOMIC DEVELOPMENT

SUMMARY OF REQUEST: The Marine Tap Room, 1983 Lakeshore Dr., owned by Mayor Steve Warmington, has applied for a Façade Improvement Grant from the City of Muskegon. Since it is a City official requesting these funds, Community Development Block Grant guidelines require the City to disclose this information to the public. The applicant is requesting acknowledgement of this conflict of interest and approval of the grant funding. The Façade Improvement Grant is a 50/50 matching grant, with a maximum \$5,000 award. This façade improvement project would include installation of vinyl siding to the east side and rear of the building and replacement of the awning. Project estimates total \$14,400 in improvements, which would qualify the applicant for the maximum \$5,000 match.

FINANCIAL IMPACT: None.

BUDGET ACTION REQUIRED: None.

STAFF RECOMMENDATION: For the Commission to acknowledge and disclose the conflict of interest and approve the grant request.

Motion by Commissioner Spataro, second by Commissioner Wisneski to acknowledge and disclose the conflict of interest and approve the grant request.

ROLL VOTE: Ayes: Wierengo, Wisneski, Carter, Gawron, Shepherd, and Spataro

Nays: None

Abstain: Warmington

MOTION PASSES

E. North Passage Roof Replacement. WATER FILTRATION

SUMMARY OF REQUEST: To approve staff to enter into agreement with Gale Roofing for the replacement of the south filter west parapet roof at the Water Filtration Plant.

FINANCIAL IMPACT: The cost of the roof replacement is \$19,305.

BUDGET ACTION REQUIRED: None, this project is included in the 2010 budget.

STAFF RECOMMENDATION: Staff recommends approval for staff to enter into agreement with Gale Roofing for the replacement of the south filter parapet roof at the Water Filtration Plant.

Motion by Vice Mayor Gawron, second by Commissioner Wisneski to approve staff to enter into an agreement with Gale Roofing for the replacement of the south filter parapet roof at the Water Filtration Plant.

ROLL VOTE: Ayes: Wisneski, Carter, Gawron, Shepherd, Spataro, Warmington, and Wierengo

Nays: None

MOTION PASSES

2009-101 ANY OTHER BUSINESS: Mayor Warmington asked the Commission to reconsider special event liquor licensing.

Motion by Commissioner Spataro, second by Commissioner Carter to waive the requirement for existing license holders to seek approval through the Leisure Services Board when seeking a special liquor license request within their approved Liquor Control confinement.

ROLL VOTE: Ayes: Carter, Gawron, Shepherd, Spataro, Warmington, Wierengo, and Wisneski

Nays: None

MOTION PASSES

ADJOURNMENT: The City Commission Meeting adjourned at 5:57 p.m.

Respectfully submitted,

Ann Marie Becker, MMC
City Clerk